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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 J.C. PENNEY CORPORATION,
12 Plaintiff

No. C 13-6003 MMC

13 v.
14 EOLAS TECHNOLOGIES
15 INCORPORATED; THE REGENTS OF THE
16 UNIVERSITY OF CALIFORNIA,
17 Defendants.
18 _____/

**ORDER DIRECTING DEFENDANTS TO
FILE PROOF OF SERVICE OF
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL**

19 Before the Court is defendants Eolas Technologies Incorporated ("Eolas") and the
20 Regents of the University of California's ("Regents") Administrative Motion to File
21 Documents Under Seal, filed March 17, 2014. By said motion, defendants seek leave to
22 file under seal certain documents filed under seal in a prior action, Eolas Techs., Inc. et al.
23 v. Adobe Sys. Inc, et al., C 09-0446 (E.D. Texas) ("the Texas action"), and which,
24 according to Eolas and the Regents, contain material designated as confidential by the
25 defendants in that action, one of which was J.C. Penney Corporation ("J.C. Penney"), the
26 plaintiff in the instant action.

27 Under the Local Rules of this District, where a party seeks to file under seal any
28 material designated as confidential by "an opposing party or a non-party," see Civil L.R. 79-
5(e), the submitting party must file a motion for a sealing order, see Civil L.R. 79-5(d),

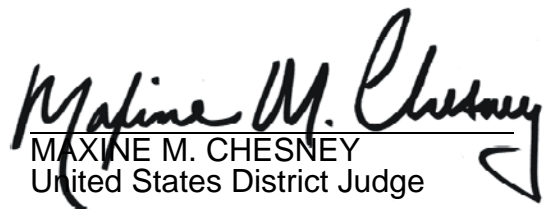
1 serve the declaration in support of such motion on such "Designating Party" the same day,
2 see Civil L.R. 79-5(e), and file proof of such service, see id. Thereafter, "[w]ithin 4 days of
3 the filing of the Administrative Motion to File Under Seal, the Designating Party must file a
4 declaration . . . establishing that all of the designated information is sealable." Id. at 79-
5 5(e)(1). "If the Designating Party does not file a responsive declaration as required by
6 subsection 79-5(e)(1) and the Administrative Motion to File Under Seal is denied, the
7 Submitting Party may file the document in the public record no earlier than 4 days, and no
8 later than 10 days, after the motion is denied." Id. at 79-5(e)(2).

9 Although, J.C. Penney, which was served with the above-referenced motion and
10 declaration electronically, has not filed a responsive declaration to said motion, Eolas and
11 the Regents have failed to file proof that they served their supporting declaration on the
12 other Designating Parties, i.e., the other defendants in the Texas action.

13 Accordingly, Eolas and the Regents are hereby DIRECTED to file, no later than April
14 11, 2014, proof of such service on the other defendants in the Texas action, so as to allow
15 such other Designating Parties the opportunity to file declarations establishing the
16 documents are sealable.

17 **IT IS SO ORDERED.**

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19 Dated: March 31, 2014

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MAXINE M. CHESNEY
United States District Judge